

FILED

NOV 26 2014

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAM PEREZ,

Petitioner,

v.

MARION E. SPEARMAN, Warden,

Respondent.

No. C 14-04286 BLF (PR)

**ORDER GRANTING SECOND
EXTENSION OF TIME TO FILE
COMPLETE *IN FORMA PAUPERIS*
APPLICATION; REQUESTING
PRISON TRUST FUND OFFICE TO
COMPLY WITH PETITIONER'S
REQUEST**

On September 23, 2014, Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day, the Clerk sent Petitioner a notice that his In Forma Pauperis ("IFP") Application, (Docket No. 2), was insufficient because he failed to attach the following supporting documents: (1) a Certificate of Funds in Prisoner's Account completed and signed by an authorized prison official; and (2) a copy of his prisoner trust account statement showing transactions for the last six months. (Docket No. 3.) Petitioner was directed to file a response within twenty-eight days of the notice to avoid dismissal of the action. (*Id.*) Thereafter, Petitioner was granted an extension of time until November 18, 2014, to file a complete IFP application. (Docket No. 5.)

On November 18, 2014, the Court received a letter from Petitioner indicating that

1 pursuant to the Court's order, he has been attempting to obtain the necessary documents
2 to complete his IFP application. (Docket No. 6.) He provides a copy of his requests to
3 the prison trust fund office seeking the necessary documents. (*Id.* at 3 and 4.)
4 Petitioner's last request was submitted on November 13, 2014. (*Id.* at 4.) To date, the
5 Court has not received any of the necessary documents.


6 In the interest of justice, The Court grants Petitioner a second extension of time to
7 complete his IFP application. Petitioner must either file the necessary documents to
8 complete his IFP application or pay the \$5.00 filing fee **no later than twenty-eight (28)**
9 **days** from the date this order is filed.

10 The Clerk shall forward a copy of this order to the Prison Trust Fund Office at
11 Correctional Training Facility - North State Prison, in Soledad, where Petitioner is
12 currently confined. The Trust Fund Office is requested to provide prompt assistance to
13 Petitioner's request, in order that he may proceed with this action.

14 **Failure to file a response in accordance with this order in the time provided**
15 **will result in the dismissal of this action without further notice to Petitioner.**

16 **IT IS SO ORDERED.**

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18 DATED: 11-26-2014

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20 BETH LABSON FREEMAN
21 United States District Judge
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